Before the

Federal Communications Commission

Washington, D.C. 20554

FCC 07-172

MG Media, Inc. is a for-profit S Corporation incorporated and operating within the state of Alabama. I (Marvin Glass)[1] am the 100% shareholder of MG Media, Inc. which is the licensee of WGNQ. WGNQ operates on 1480 khz with 1KW of power during the day while ultimately reducing to only 39 watts at night. Both day and night operations are non-directional.

I am writing in support of the proposed rulemaking to allow AM Broadcast stations to feed FM Translators. I believe both the public interest and best practices for utilization of broadcast spectrum are supported by this proposal.

I write from the perspective of a very small business owner/operator. I am a member of a very small minority: a minority composed of dedicated, mom and pop operators of rural, small-town, single AM stations. In a very real sense WGNQ fulfills the FCC's "core values of localism, diversity, and competition."[2] Those with similar business profiles to mine own these endangered stations because we do not have the funding necessary to purchase FM stations or higher power AM stations. Of necessity, some of my comments address the financial pressures I face, pressures due in part to 1) the limited population within even my secondary contour.[3] 2) While operating with reduced nighttime power, I am unable to sell advertising or find support for local nighttime programs such as high school sports. This significantly reduces my both public service and my financial income. The third major reason I believe WGNQ faces economic pressure is simply that FM Broadcasting is now the preferred medium. I will not further address the already well-documented interference issues which have increased

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[1] I am not an engineer, though I have had two years of college electronics courses, had a First Class FCC license with Broadcast Endorsement in the 1970's and have held a Radio Amateur General Class license (WB4WSL) since the early 1970's. I worked in Radio and Television in various capacities including station engineer/technician during my early college years. After a hiatus of several decades, I purchased WGNQ in 2005.

[2] FCC 07-204, paragraph 49.

[3] At WGNQ I am in a significant bind. I cannot gain potential listeners by increasing power because I am already short-spaced on three sides. I cannot move toward the open side because doing so does not provide a city-grade contour over my city of license (a small town which no longer has a viable business base). Increasing power by going directional cannot be economically justified in my market. Quite honestly, IBOC AM does not provide any real financial answers for me either, at least not in the near future.

exponentially in the last 15 or 20 years.[4] This leaves AM struggling along, seeking programming solutions which attempt to win back listeners while utilizing what is now inferior technology.

Therefore, I conclude that the relief offered by the AM to FM translator proposal could very well make the difference between the success or failure of my station and others with similar scenarios.

Here are my thoughts:

CONTOUR LIMITATIONS

The contour issue is especially important to broadcasters operating with 1KW or less on the higher side of the AM dial. Taking WGNQ as an example: Our daytime 1KW signal at 1480 khz provides a 2 mV/m contour so small that limiting FM translators to this contour fails to provide the relief we must have to survive, especially in more rural areas.

I checked the 60 db contours of several Class A FM stations and found typical 60 db contours extending a radius of 16-25 miles. When I compare my 2 mV/m signal, I find I have a radius of about 8 miles. My .5 mV/m contour comes much closer to providing parity with class A FM. Thus, one can readily see that limiting fill-in FM Translator service to my 1KW AM station's 2 mV/m contour significantly fails to provide the parity with FM Broadcasters which I must have to survive.[5]

For this reason, I support a more radical approach: Rather than limiting service to the lesser of the 2 mV/m contour or a 25/35 mile radius I submit that the proposed fill-in service for AM licensees be allowed for a full 25-mile radius in Zone 1 and 35-mile radius in Zone 2. This would simplify the entire process as well as providing a degree of parity for the smaller broadcaster. Stations with 2 mV/m contours larger than the 25/35 mile radius may be allowed to file for translators within their larger 2 mV/m contour after a filing window for 5KW or less stations is processed.

Should this be considered too liberal an approach, I petition for some other viable means of providing broadcasting parity for the lower-power, higher-frequency AM broadcaster. Perhaps an alternative approach would be to limit stations in categories similar to mine to their .5 mV/m contour rather

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[4] FCC 07-144, paragraphs 3 & 4.

[5] A quick population count within my eight-mile radius yields total population of 16,022, a 12-mile radius yields 33,367, a 15-mile radius yields 41,446 and a 20-mile radius yields 68,251.

than 2 mV/m. By doing this you give the smaller, rural broadcaster a fighting chance to gain enough listeners to make the continued providing of locally-oriented programming and services viable.

I find no physical reasons to limit fill-in contours of smaller stations to their 2 mV/m contour and therefore conclude that reasons other than the physics of spectrum utilization must ultimately be influencing the point at which the line is drawn. After all, if the FM spectrum is there, regardless of the size of the AM transmitter, why not use this FM spectrum to the public's advantage while providing the small AM Broadcaster a degree of parity with the FM broadcaster? Of course, if the spectrum is not available in a specific area, this entire discussion is moot for that locale.

CONDUCTIVITY ISSUES

I support allowing each individual station to choose whether to accept the Figure M-3 benchmark or utilize measured conductivity to establish the 2 mV/m/m or .5 mV/m daytime contour. As already mentioned, however, we could greatly simplify this process by simply using the 25/35 mile radius as the limiting contour rather than a theoretical or measured conductivity contour.

NUMBER OF TRANSLATORS AND PERCENTAGE OF CONTOUR PORTION ALLOWED OUTSIDE OF THE ACCEPTED CONTOUR LIMITATION

I believe the limit of 10 translators is reasonable and further submit that no more than 30% of the translator's 60 db contour should be allowed outside of the agreed upon contour limitation. This 30% gives broadcasters needed variance to place transmitters where needed and where the topography combined with present and new spectrum usage best dictates. A limit of 10 translators, to say nothing of the financial burden of supporting multiple translator sites, will keep available spectrum from being overwhelmed.

IMPLEMENTING THE CHANGES

How should the changes be made effective? AM stations should be allowed to immediately utilize existing FM translators by purchase, lease or rental agreements. I believe assigning a hierarchical priority to new translator applications is the best answer to further growth. In the initial filing window, allow Daytime only and reduced-Nighttime power AM's through the gate first. If limited translator spectrum requires further prioritization during the initial window in a given market, prioritize based on size and co-

ownership. For example, first allow daytime only and low-power nighttime stations, secondly, stations limited to 5KW day or night, and finally, those with no co-owned FM stations in the same market.

After these needs are met, establish further filing windows with similar priorities for more powerful stations and AM stations with co-owned FM stations in the same market.
AM stations with co-owned FM stations in the same market should be allowed to apply for FM translators but only if spectrum remains after the process outlined in the preceding paragraph. Once an AM station is granted its full compliment of translators the translators should remain with the station as long as needed regardless of future ownership combinations.

AM stations meeting NCE broadcasting standards should be permitted to utilize translators in the reserved portion of the FM band. Should the station revert to commercial broadcasting standards, continued broadcasting over translators in the NCE band should be secondary to legitimate NCE needs.

At least for the smaller stations, bringing the application process to completion must not require large engineering fees. We who need this relief the most, most often don't have excess funding available. In other words, I am asking for the first filing windows to be set up to benefit those who need it the most, in ways that minimize the cost (perhaps in an application process, as similar as technology allows, to that made available for the filing of LPFM applications.) I also hope the process can be expedited for non-mutually exclusive applications and for those whose applicants settle their technical conflicts.

Any negative public impact caused by the implementation delay for the larger stations is mitigated by the fact that their signal already covers a significant area during the day and, most often, a decent nighttime contour. The public is best served by allowing relief *first* to the smaller broadcaster with limited or no night time service, so that he can provide the night time service these smaller communities don't presently have, while gaining enough financial momentum to stay on the air.

FINANCIAL SUPPORT

I believe commercial stations should be allowed to broadcast over, own rent and/or otherwise support up to the maximum of 10 translators.

SPECTRUM CONCERNS

Re. the impact on LPFM, a quick search in my area shows a significant number of LPFM/Translator channels available. I realize that in large cities far less frequencies are available but by the same token, even small stations in large cities have a much larger population from which to draw their support. These more highly populated areas also have other, 24-hour radio and TV media providing nighttime public service. We need to be careful that we do not penalize rural broadcasters because of legitimate concerns over limited metropolitan spectrum.

Additionally, as technology continues to improve, removal of the third adjacent channel restriction and opening up TV channel 6 analogue spectrum to FM broadcasters should provide more than enough room for growing translator and LPFM needs.

NIGHTTIME FM TRANSLATOR PROGRAMMING BY DAYTIME ONLY AM STATIONS

An AM station's FM translators should carry the AM-station originated programming 24/7 even when the AM station is a daytime only station. To rule otherwise wastes a tremendous amount of spectrum and works against all reasons for this proposed rule change.

IMPACT ON SMALL BUSINESSES

As I mentioned initially, the impact on small-business AM broadcasters can be tremendously positive if implemented properly. As the local broadcaster thrives, he is able to help other small businesses grow and thrive as well. I find absolutely no potential negative impact caused by this proposal and I ask that it be adopted post-haste.

SUMMARY

I support these potential rule changes because I believe they are good for small, struggling, rural broadcasters. We need relief the most and we still provide a very important service to our communities. If we cannot survive financially, we will no longer be here to provide this service. Allowing AM to broadcast over FM translators, if the AM broadcaster is given a large enough contour in which to utilize FM translators, can bring significant help to these struggling rural stations. This is important because a great many of these stations are the epitome of broadcasters who fulfill the FCC's "core values of localism, diversity, and competition."[6]

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[6] FCC 07-204, paragraph 49.

Additional Implementation Summary:

- Rather than limiting service to the lesser of the 2 mV/m contour or a 25/35 mile radius I submit that the proposed fill-in service for AM licensees be allowed for a full 25-mile radius in Zone 1 and 35-mile radius in Zone 2.
- Should this be considered too liberal an approach, perhaps an alternative approach would be to limit stations in categories similar to mine (lower power/higher AM frequency) to their .5 mV/m contour rather than 2 mV/m.
- I believe the limit of 10 translators is reasonable and further submit that no more than 30% of the translator's 60 db contour should be allowed outside of the agreed upon contour limitation.
- AM stations should be allowed to immediately utilize existing FM translators by purchase, lease, rental or other supporting agreements.
- Assigning a hierarchical priority to new translator applications is the best answer to further growth. In the first filing window, allow Daytime only and reduced-Nighttime power AM's through the gate ahead of all other priorities.
- Spectrum concerns are mitigated by improving technology. Removal of the third adjacent channel restriction and opening up TV channel 6 analogue spectrum to FM broadcasters provides more than enough room for growing translator and LPFM needs in all but the most crowded markets. Small rural AM broadcasters should not be penalized because translator spectrum may not be available in more metropolitan areas.
- FM translators should carry Am programming even when the AM is off the air at night, to rule otherwise wastes a tremendous amount of spectrum and works against all reasons for this propose rule change.

Respectfully submitted,

Marvin Glass
President, MG Media, Inc.